

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 JAY L. JIM,

4 Plaintiff

Case No. 3:19-cv-00011-MMD-CBC

5 v.

6 AITOR NARVAIZA,

7 Defendant

ORDER

8  
9 **I. DISCUSSION**

10 On January 7, 2019, Plaintiff, an inmate in the custody of the Elko County Sheriff's  
11 Office ("ECSO"), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an  
12 application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). On September 6, 2019, this  
13 Court issued an order denying the application as incomplete and directed Plaintiff to file  
14 a fully complete application to proceed *in forma pauperis* or pay the full filing fee within  
15 30 days from the date of that order. (ECF No. 4). On September 18, 2019, Plaintiff  
16 subsequently filed an application to proceed *in forma pauperis* and an inmate account  
17 statement. (ECF No. 5). However, Plaintiff did not file a properly executed financial  
18 certificate, i.e. page 4 of the application is missing Plaintiff's name and signature. As  
19 such, this application is also incomplete.

20 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
21 application to proceed *in forma pauperis* and attach both an inmate account statement  
22 for the past six months and a properly executed financial certificate. **Plaintiff has not**  
23 **submitted a properly executed financial certificate.** (See ECF No. 5). The Court will  
24 retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of  
25 the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure  
26 the deficiencies of his application to proceed *in forma pauperis* by filing a properly  
27 executed financial certificate, or in the alternative, pay the full filing fee for this action. If  
28 Plaintiff fails to file a properly executed financial certificate, the Court may dismiss the

1 case in its entirety, without prejudice, to file a new case when Plaintiff is able to acquire  
2 the necessary documents to file a complete application to proceed *in forma pauperis*.

3 **II. CONCLUSION**

4 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND  
5 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well  
6 as the document entitled information and instructions for filing an *in forma pauperis*  
7 application.

8 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
9 Plaintiff will either: (1) file a properly executed financial certificate in compliance with 28  
10 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the  
11 \$350 filing fee and the \$50 administrative fee).

12 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file a properly executed  
13 financial certificate, the Court may dismiss the case, without prejudice, for Plaintiff to file  
14 a new case when he is able to acquire the necessary documents to file a complete  
15 application to proceed *in forma pauperis*.

16 DATED: September 23, 2019.

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19 UNITED STATES MAGISTRATE JUDGE  
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